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August 2, 1999

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**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
445 12th Street, S.W., TW-A306  
Washington, D.C. 20554

**Re: Comments of Noncommercial Educational Radio Members of the North  
Carolina Association of Broadcasters and the Virginia Association of  
Broadcasters, MM Docket No. 99-25**

Dear Ms. Salas:

Transmitted herewith on behalf of Noncommercial Educational Radio Members of the North Carolina Association of Broadcasters and the Virginia Association of Broadcasters are an original and nine (9) copies of Comments for filing in the above-captioned proceeding.

If any questions should arise during the course of your consideration of this matter, it is respectfully requested that you communicate with this office.

Sincerely,

**BROOKS, PIERCE, McLENDON,  
HUMPHREY & LEONARD, L.L.P.**

*Wade H. Hargrove*

Wade H. Hargrove

Enclosures

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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**AUG 2 1999**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

In the Matter of	)	MM Docket No. 99-25
	)	
Creation of a	)	RM-9208
Low Power Radio Service	)	RM-9242

To: The Commission

**COMMENTS OF NONCOMMERCIAL EDUCATIONAL RADIO MEMBERS  
OF THE NORTH CAROLINA ASSOCIATION OF BROADCASTERS AND  
THE VIRGINIA ASSOCIATION OF BROADCASTERS**

Campbell University, licensee of WCCE(FM); The University of North Carolina, licensee of WUNC(FM); University Radio Foundation, Inc., licensee of WFAE(FM) and WFHE(FM); Board of Trustees of Gaston College, licensee of WSGE(FM); Fayetteville State University, licensee of WFSS(FM); North Carolina Agricultural & Technical University, licensee of WNAA(FM); Educational Information Corporation, licensee of WCPE(FM); Shaw University, licensee of WSHA(FM); Roanoke Valley Communications, Inc., licensee of WZRU(FM); and Central Carolina Community College, licensee of WDCC(FM), noncommercial educational ("NCE") radio members of the North Carolina Association of Broadcasters ("NCAB") and Board of Visitors of James Madison University, licensee of WMRA(FM); Hampton Roads Educational Telecommunications Association, Inc., licensee of WHRO-FM and WHRV(FM); and Central Virginia Educational Telecommunications Corp., licensee of WCVE-FM, NCE radio members of the Virginia Association of Broadcasters ("VAB") (collectively, the "NCE Members"), by their attorneys, hereby file the following comments in response to the *Notice of Proposed Rule Making* ("Notice"), FCC 99-6, released February 3, 1999, in the above-captioned proceeding. The *Notice* seeks comment on a wide

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variety of issues related to whether the Commission should establish three new classes of low power radio or microradio service in the FM band.

WCCE(FM), Buies Creek, North Carolina, is a Class A station operating with 3000 watts ERP at 90.1 MHz in a community of 2085. WUNC(FM), Chapel Hill, North Carolina, is a Class C station operating with 100 kW ERP (directional) at 91.5 MHz in a community of 42,865. WFAE(FM), Charlotte, North Carolina, is a Class C1 station operating with 100 kW ERP (directional) at 90.7 MHz in a city of 504,637. WSGE(FM), Dallas, North Carolina, is a Class A station operating with 3000 watts ERP at 91.7 MHz in a community of 3007. WFSS(FM), Fayetteville, North Carolina, is a Class C1 station operating with 100 kW ERP (directional) at 91.9 MHz in a community of 77,295. WNAA(FM), Greensboro, North Carolina, is a Class C3 station operating with 10 kW ERP at 90.1 MHz in a city of 197,910. WFHE(FM), Hickory, North Carolina, is a Class C3 station operating with 4000 watts ERP (directional) at 90.3 MHz in a community of 31,523. WCPE(FM), Raleigh, North Carolina, is a Class C station operating with 100 kW ERP at 89.7 MHz and WSHA(FM), Raleigh, North Carolina, is a Class C3 station operating with 12.5 kW ERP (directional) at 88.9 MHz; Raleigh is a city of 259,423. WZRU(FM), Roanoke Rapids, North Carolina, is a Class C2 station operating with 26 kW ERP (directional) at 88.5 MHz in a community of 15,521. WDCC(FM), Sanford, North Carolina, is a Class A station operating with 3000 watts ERP at 90.5 MHz in a community of 21,784. WMRA(FM), Harrisonburg, Virginia, is a Class B station operating with 10.5 kW ERP at 90.7 MHz in a community of 33,434. WHRO-FM, Norfolk, Virginia, is a Class B station operating with 23 kW ERP at 90.3 MHz and WHRV(FM), Norfolk, Virginia, is a Class B station operating with 23 kW ERP at 89.5 MHz; Norfolk is a city of 215,215. WCVE-FM, Richmond, Virginia, is a Class B station operating with 8300 watts ERP at 88.9 MHz in a city of 194,173.

The NCE Members oppose the proposals set forth in the *Notice*. As NCAB and VAB show in their comments, which the NCE Members fully endorse, low power FM ("LPFM") is premature, is an inefficient use of spectrum and technically irrational, will destroy radio reading services for the blind and other subcarrier services, will devastate existing small market community broadcasters, will not increase opportunities for women and minorities to own broadcast stations, and will not solve the pirate problem.

The NCE Members file these separate comments to emphasize the great harm that the Commission's LPFM proposals will have on existing NCE broadcasters. If LPFM is authorized solely as a noncommercial service, the LPFM stations will compete for contributions from existing full power NCE stations. This would be devastating to NCE broadcasters if interference protections are eliminated and if noncommercial LPFM stations are scattered throughout the FM band, especially since the effective service area of an NCE station, and thus its contributor base, extends far beyond its nominally protected contour. There could be dozens of such stations in an NCE broadcaster's listening area, crippling its fundraising ability. As NCAB and VAB show in their comments, customized survey data provided by Arbitron demonstrate, upon analysis, that many listeners of existing full power community broadcasters reside outside the stations' current protected contours. On average, more than one third (34.5%) of the surveyed radio listeners of the sample Class A FM stations reside outside the stations' 60 dBu contours. In the case of some stations, nearly 9 out of every 10 actual listeners live, commute, and work outside of the protected contour of one of their favorite radio stations. If LPFM is implemented as proposed, many NCE FM stations could lose a significant portion of their audience, and, consequently, the financial contributions that keep these community radio stations on the air.

Quite simply, the NCE Members submit that the elimination of existing, documented

service—either as a result of interference or as a consequence of economic debilitation—is not in the public interest.

Low power FM is bad engineering policy and bad social policy. Nearly every aspect of LPFM has already been tried or considered—and rejected—as the history of modern FM broadcasting unequivocally proves. It would be foolhardy to repeat these mistakes, especially since the laws of physics have not changed.

From an engineering policy perspective, the LPFM proposals cannot overcome their inherent technical limitations if the FM spectrum is to maintain any integrity at all. In fact, the Commission's LP1000 and LP100 proposals are far less spectrally efficient than all existing full power station classes. Furthermore, the Commission's microradio ("LP10") proposal is virtually a clone of the old Class D NCE stations that the Commission long ago determined were too inefficient to continue authorizing. The plain reality of the FM band is that LPFM stations simply cannot be "dropped in," especially in the crowded reserved band, without either severely increasing interference or destroying existing service.

From a social policy perspective, the purported goals of LPFM cannot be achieved: LPFM stations cannot be placed in large urban markets; minority and women will not necessarily become the owners of LPFM stations, and, to the extent they do, they may become trapped in the economic folly of inferior facilities; and the pirate problem will not be ameliorated. And, perhaps most significantly, existing community broadcasters such as the NCE Members, will be harmed the most.

For all of the above reasons, the NCE Members respectfully urge the Commission to abandon the notion of creating a new low power FM broadcast service.

Respectfully submitted,

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August 2, 1999